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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LACLAIR, DARCY D

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

01/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

1. Applicants' amendment filed **12/14 /2009** has not been entered given that it introduces the issue of new matter and it raises other new issues that would require further consideration and/or search.

With respect to the issue of new matter, the amended claims 1, 3, 15 and 17 recite that the polyhydroxyalkanecarboxylic acid bonds to the residue of the polyisocyanate compound through a urethane group, and the chain extension agent bonds to the prepolymer through at least a urea group to form a polyurethane having the carboxyl group. It is the examiner's position that this is new matter because while the specification describes a reaction between the polyisocyanate compound and the polyhydroxyalanecarboxylic acid compound (p. 5-6), and use of a chain extension agent, support for the specific bonding through the urethane and urea group, respectively, of the polyisocyanate is not noted. As the isocyanate double bonds which are potential reactive sites, does not appear that it is mandatory that the bonding would occur as cited in the claims. Should applicant wish to point out support or submit chemical evidence, it would be taken under consideration.

With respect to other new issues, the claims now recite the limitations, as stated above, specifying the bonding groups in the polyurethane compound. It is the examiner's position that this is a new issue since the limitations of the claim have changed, since these limitations were not previously present in the claims. Therefore, the amendment would require further consideration.

Art Unit: 1796

2. As the amendment is not being entered, those of applicant's arguments with regard to overcoming the prior art rejections based on the newly filed amendment are rendered moot and will not be addressed in this communication.

/D. D. L./

Examiner, Art Unit 1796